

**In the Drawings:**

Please replace original drawings sheets containing FIGS 2, 3, 5 and 6 with attached corrected drawings sheets for FIGS 2, 3 and 6.

The attached sheets of drawings include changes to Figures 2, 3 5 and 6 and have been labelled "Replacement Sheet", accordingly.

The changes to Figures 2, 3, 5 and 6 are noted in the Remarks section of this response.

## Remarks

### Explanation of Amendments

FIGS 2, 3, 5, 6, the specification at pages 7 and 12, and claims 1 and 4 have been amended to correct the formality defects identified by the Examiner, and in the manner as requested by Examiner. In particular:

in claims 1 and 8, [situate] has been replaced with situated;

in claim 4 and 11, [adapters] has been replaced with adapted;

at page 7 line 23, [A-A] has been replaced with 4-4; and

at page 12, [described] has been replaced with describes;

in FIG. 2, reference character 28 has been added;

in FIG. 3 the lead line for reference character 56 has been amended to point to the longitudinal bore ;

in FIG. 5, reference character 57 has been added; and

in FIG. 6 reference character 48 has been replaced with 44.

Furthermore, the following amendments have been made to correct typographical errors in the disclosure:

at page 11 line 10, "mortises & tennon" is replaced with "mortise & tenon";  
and

at page 12, line 2, "spine" is replaced with "spline".

New independent claims 21 to 26 have been added to more specifically claim certain aspects of the invention. Claims 21, 23 and 25 are identical to claims 1, 8 and 15 except to further define the coupling means as being selected from the group consisting a mortises & tenon arrangement, a mating dowel arrangement,

and a protruding spine and corresponding aperture arrangement. Support for these specific types of coupling means is found in the original disclosure at page 11 lines 9 to 30 and page 12 lines 1 to 6. Claims 22, 24, and 26 are substantially identical to claims 1, 8, and 15 except that "coupling means" has been replaced by "means for releasably coupling a wall segment to form a retainer wall".

Applicant submits that nothing in the prior art cited by Examiner discloses or even suggests a retainer wall system, kit for creating a retainer wall, or a plurality of wall segments that are releasably coupled to each other by a mortises & tenon arrangement, a mating dowel arrangement, or a protruding spine and corresponding aperture arrangement. Furthermore, Applicant notes that claims 22, 24, and 26 expressly include "means for" language and thus are entitled to the benefit of 35 U.S.C. § 116 sixth paragraph. Therefore, Applicant submits that new claims 21 to 26 are novel and non-obvious and looks forward to a favourable finding of allowability by Examiner.

#### 35 USC § 102 and 35 USC § 103 Rejections

Applicant respectfully disagrees with Examiner's rejections of claims 1 to 20 under 35 USC § 102 and 35 USC § 103 in view of Klingberg (US 3559338) alone, and in view of Klingberg in combination with Novak (US-D276494) or with Gaston (US 6449897).

All the claims of the subject application claim a retainer wall system (claims 1 to 7 and 14), a kit for creating a retainer wall (claims 8-13) and wall segments (claims 15 to 20) which comprise a plurality of discrete wall segments each having releasable coupling means situate at opposed ends thereof to permit releasable interlocked coupling of each wall segments together to form a retainer wall. Klingberg does not disclose nor suggest any such coupling means. Rather, as seen from FIG 2, the three block segments 10 are merely abutted at 20 to an adjoining three block segment, and are not releasably coupled to each other.

Examiner states that each wall segment 10 disclosed in Klingberg have releasable coupling means comprising stakes 22 adjacent apex 20 of adjacent ends of the edging structures 10. Examiner also states that the abutting nature of Klingberg achieves the function of releasable interlocked coupling of the adjacent edging structures 10 because the wall system of Klingberg is unbroken as depicted in FIGS 1, 2.

Applicant respectfully disagrees. As Examiner has pointed out, each of the three wall segments 10 shown in FIGS 1 and 2 of Klingberg merely abut one another at longitudinal ends thereof. These segments are not "interlocked" as claimed in the claims of the subject application. The 9<sup>th</sup> Edition of the Concise Oxford Dictionary defines "interlock" as "1. engage with each other by overlapping or by the fitting together of projections and recesses; 2. lock or clasp with each other".

In contrast, the ends of each three block wall segment 10 in Klingberg merely touch or lean upon the ends of an adjacent wall segment 10. There is no overlapping or fitting together of projections and recesses which result in engagement. Not only are the wall segments not disclosed to interlock together by coupling means, there is no suggestion that the apices 20 of the wall segments 10 can be modified to interlock with each other, or to be provided with overlapping projections or recesses that engage. Furthermore, the abutting nature of the apices 20 do not achieve the function of a releasable interlocked coupling; although a pair of edging structures 10 having such abutting apices 20 can form an unbroken wall as shown in FIGS 1 and 2, movement of one wall structure 10, e.g. by a push or a strong wind, will cause that wall structure to move independently from the adjacent wall structure 10. In contrast, a pair of wall segments interlocked by the coupling means claimed in the subject application will move together when one wall segment is moved. Advantageously, the adjacent interlocked wall segments will help the wall segment subjected to the push or wind to resist movement. Therefore, the function of the abutting apices in the wall segments disclosed in Klingberg do not

perform the same function as the coupling means claimed in the subject application.

As discussed in Applicant's Response to the first office action, the disclosure of the subject application discloses a number of embodiments of the coupling means claimed in claims 1 to 20. All of these coupling means provide interlocked coupling, e.g. the mortise & tenon arrangement at page 11 (FIG 3) comprises a protruding member and a mating slot to permit interlocking; a mating dowel arrangement at page 11 (FIG 5) comprises a protruding dowel member adapted for mating engagement with a mating aperture, and a protruding spline member at page 12 (FIG 6) interlocks with corresponding aperture. The invention claimed in claims 1 to 20 are of course not limited to these embodiments; nevertheless, these embodiments are illustrative of the interlocking function of the releasable coupling means claimed in the claims.

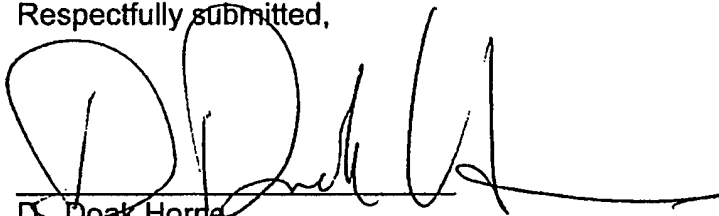
Combining Klingberg with Novak does not disclose or teach the releasable coupling means claimed in claims 2, 9, and 16 (as dependent from claims 1, 8, and 15) of the subject application. Novak merely discloses a unitary landscape edging unit; like Klingberg, no coupling means for interlocking coupling with an adjacent edging unit is disclosed or suggested.

Combining Klingberg with Gaston does not disclose or teach the subject matter claimed in claims 3 and 17 (as dependent from claims 1 and 15) of the subject application. Gaston teaches a landscape edging system having a completely different structure than the edging system shown in Klingberg. In Gaston, an elongate edging member comprising a top edge or rail serves to connect a plurality of blocks thereto. As such, the blocks and edging member disclosed in Gaston are incompatible with the edging structure 10, which instead uses stakes 112 which drive through hinge means 12 in the edging structure 10. The edging structures taught in these two patents are so fundamentally different that one skilled in the art would not be able to combine these two patents to come up with the apparatus claimed in the subject application without exercising significant

inventive ingenuity; for example, making such a combination would result in the elongate edging member in Gaston directly interfering with the stakes 112 in Klingberg. Such combination could not produce an apparatus having a plurality of wall segments having one or more plurality of vertical elongate members having longitudinal bore means extending substantially parallel to the vertical axis and adapted to receive elongate ground fixation means, as claimed in all of the claims of the subject application, let alone disclose or suggest an apparatus as claimed in claims 3 and 17.

In view of the above, Applicant submits that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Doak Horrie', written over a horizontal line.

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